

August 12, 2025

The Honorable Laura Taylor Swain
Chief United States District Judge
500 Pearl Street
New York, NY 10007

Dear Chief Judge Swain,

Initially, may I apologize for my delayed response as it has taken me a lot of time to research the details. As you may recall, [REDACTED]

[REDACTED]
[REDACTED]

I have reviewed the United States Attorney's response dated July 8, 2025 and I have the following comments and questions that should be answered. It indicates that my Court ordered restitution was to be calculated as "10% of his monthly income from any and all sourcescalculated based on gross earned income, as well as 10% of all withdrawals or other realized income from savings or investments." It is my understanding that Social Security and IRA Payments are not considered gross earned income. I am asking why the United States Attorney's Office has re-written the Court order and now they are being included?

The United States Attorney's Office requested detailed financial information from me. On September 19, 2017 I sent to the United States Attorney's Office the requested completed financial statement which included many pages of detailed responses to their questions. From those financial details, as per the attached letter dated October 2, 2017 – which I believe you may have never seen – the United States Attorney's office responded "based on your current financial status we will accept monthly payments towards the judgement in the amount of \$331.00." I do not know how they established that amount, but I adhered to their payment plan and made payments every month.

I contacted the United States Attorney's Office when I received a notice from TOP and they requested detailed financials that I sent on March 6, 2024. That is the documentation that the United States Attorney's Office used to support their transfer of my account into TOP in 2023.

I am still trying to understand why I was considered delinquent and why my debt would be referred to TOP for collection. As you can see, per the attached letter, it clearly states that in the event I ever defaulted on their established payment plan, only then would I be placed into TOP. I feel that I have complied with the terms of the attached letter from United States Attorney's Office establishing my restitution payment plan - amount and terms. I have not defaulted on the agreement in that letter; yet, the United States Attorney's Office placed me into TOP and they are deducting 10%, was 15%, from my Social Security check and taken multiple tax refunds. The United States Attorney's Office also took a large sum from the sale of my home. Question, how and why did the United States Attorney's Office get a lien on our home?

The payment plan letter from the United States Attorney's Office dated March 31, 2025, which I forwarded on to your office, looks like it includes 10% of my Social Security check through TOP and a separate amount of \$271.00, due monthly, for a total of \$540.00. That represents a great deal more than 10% of my gross earned income, why?

Your Honor, this leads me to one additional question and that is about my release date which effects when my restitution ends. The current United States Attorney has a release date in 2009 when in fact I was released from prison on March 12, 2008. At that time, I spent the final two months of my sentence at a halfway house in Newark, NJ. I received my release from prison in March of 2008 and from the halfway house in May of 2008. I received a letter dated June 24, 2008 from the Social Security Administration that since I was released from prison, my Social Security benefits would begin to be paid as of June, 2008. Please, note that my first restitution payment in the amount of \$203.00 was paid to the United States Attorney's Office in August of 2008. Please can you confirm that my restitution should end May of 2028 so we can all be on the same date.

Your Honor, in summary I am looking for confirmation. I responded to requests for documentation from the United States Attorney's Office and adhered to their

payment plans after they reviewed all of my financial information. I have not missed a payment. Based on the attached letter, I have not defaulted, therefore, I should not be in TOP but I am. They are also stating the incorrect date when I was released from prison which has an impact on my life. You Honor, I am 84 years old with limited means and due to my health issues unable to work much longer. I have complied with your Court ordered payment schedule which has been altered by the United States Attorney's Office. I am requesting that my last few years of restitution be a reasonable, fixed amount and that I am taken out of TOP.

Thank you for your time and consideration.

Sincerely,

Joseph S. Amato



cc: Matthew Amato